

REMARKS

The present application was filed on October 20, 2003. Prior to the present amendment, claims 16, 20 and 21 were both pending and elected for examination. Claims 1-11 were previously withdrawn and claims 12-15, 17-19 and 22 were previously cancelled.

Claims 16 and 20-22 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Claims 16 and 20-22 were rejected under 35 U.S.C. §102(b) as being anticipated by Barr, Programming Embedded Systems in C and C++.

In this response, all pending claims have been canceled without prejudice, and therefore the present rejections of claims 16 and 20-22 are rendered moot. Claims 23-42 have been added, including independent claims 23, 30 and 37. Applicants respectfully request reconsideration of the present application in view of the above amendments and the following remarks.

Applicants respectfully submit that the new claims 23-42 are supported by the present specification and do not introduce new matter. For example, independent claim 23 is directed to a method for generating at least a first output file (e.g., objective data files 120₁-120_N in FIG. 5) from at least one input file (e.g., original data files 110₁-110_N in FIG. 5), comprising the steps of defining at least one data unit of the at least one input file (e.g., step 501 in FIG. 6); determining one or more locations within the at least one input file of the at least one data unit (e.g., step 503 in FIG. 6); and transferring the at least one data unit from the one or more locations within the at least one input file to the one or more locations within the first output file (e.g., steps 504 and 505 in FIG. 6) specified by a mapping of the at least one data unit of the at least one input file to one or more locations within the first output file (e.g., step 502 in FIG. 6). Each location comprises a horizontal position, the horizontal position comprising at least one of an uppermost position of the data unit or a lowermost position of the data unit, and a vertical position, the vertical position comprising at least one of the leftmost position of the data unit or the rightmost position of the data unit (see the specification at, for example, page 17, lines 10-14). Each data unit is defined based on at least one of: at least one string (see the specification at, for example, page 15, lines 6-7), at least one absolute position of the data unit within the input file (see the specification at, for example, page 18, lines 11-12), at least one

relative position of the data unit to a start or end of at least one of a row or column of the input file (see the specification at, for example, page 18, lines 7-11), and at least one relative position of the data unit to another data unit (see the specification at, for example, page 18, lines 14-15).

Dependent claim 24 includes a limitation wherein the at least one string is within the data unit (see the specification at, for example, page 15, lines 6-7). Dependent claim 25 includes a limitation wherein the at least one string is adjacent to the data unit (see the specification at, for example, page 18, line 17, to page 19, line 1). Dependent claim 26 includes a limitation wherein the step of transferring the at least one data unit comprises transforming the at least one data unit from a first format to a second format (e.g., step 505 in FIG. 6).

Dependent claim 27 is directed toward generating a second output file from the at least one input file by transferring the at least one instance of the data unit from the one or more locations within the at least one input file to the one or more locations within the second output file specified by the mapping of the at least one data unit of the at least one input file to one or more locations within the first output file (see, e.g., the specification at page 32, lines 2-6, and page 35, lines 7-16).

Dependent claim 28 is directed toward generating a second output file from the at least one input file by transferring the at least one instance of the data unit from the one or more locations within the at least one input file to one or more locations within the new output file specified by a mapping of the at least one data unit of the at least one input file to one or more locations within the second output file (see, e.g., the specification at page 32, lines 2-6, and page 35, lines 7-16).

Dependent claim 29 is directed toward generating a second output file from at least one new file by determining one or more locations within the at least another new file of the at least one data unit of the at least one input file and transferring the at least one data unit from the determined one or more locations within the at least one new file to the one or more locations within the output file specified one or more locations within the new output file specified by the mapping of the at least one data unit of the at least one input file to one or more locations within the first output file (see, e.g., the specification at page 32, lines 2-6, and page 35, lines 7-16).

Claims 30-36 and 37-42 are respective apparatus and computer program product (Beauregard) claims which recite limitations similar to those of claims 23-29. Support for the recited

apparatus and computer program product may be found in the specification at, for example, page 32, line 19, to page 33, line 3.

Applicants respectfully note that, pursuant to 37 C.F.R. §1.145, newly-added claims 23-42 recite only subject matter corresponding to elected claims 12-19, rather than non-elected claims 1-11. Applicants respectfully reserve the right to pursue claims directed to the subject matter originally recited in claims 1-11 in one or more divisional applications.

Applicants respectfully submit that the new claims 23-42 define patentable subject matter. For example, independent claim 37 is directed to a computer program product comprising a computer usable medium having computer usable program code embodied therewith and configured to perform operations producing a concrete, useful, and tangible result. Applicants submit that such an article constitutes statutory subject matter. See, e.g., *In re Beauregard*, 53 F.3d 1583; 35 USPQ2d 1383 (Fed. Cir. 1995); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). See also MPEP §2106 at IV.C.2.2.b (“The tangible requirement does not necessarily mean that a claim must either be tied to a particular machine or apparatus. . . .”)

Applicants respectfully submit that new claims 23-42 are patentable over the prior art of record. For example, the conventional compilation techniques taught by Barr fail to meet the limitations of claim 23 directed to transferring at least one data unit from one or more locations within the at least one input file to one or more locations within the first output file specified by a mapping of the at least one data unit of the at least one input file to one or more locations within the first output file; wherein each location comprises a horizontal position, the horizontal position comprising at least one of an uppermost position of the data unit or a lowermost position of the data unit, and a vertical position, the vertical position comprising at least one of the leftmost position of the data unit or the rightmost position of the data unit; and wherein each data unit is defined based on at least one of: at least one string, at least one absolute position of the data unit within the input file, at least one relative position of the data unit to a start or end of at least one of a row or column of the input file; and at least one relative position of the data unit to another data unit.

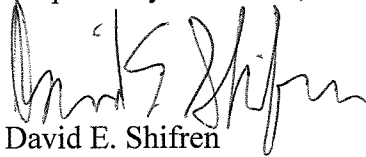
Independent claims 30 and 37 include limitations similar to those of claim 23, and are therefore believed to be both supported and allowable for reasons similar to those described above

with reference to claim 21.

With regard to claims 24-29, which depend from claim 23, claims 31-36, which depend from claim 30, and claims 38-42, which depend from claim 37, Applicants assert that these claims are also patentable over the prior art of record by virtue of their dependency from their respective base claims, which are believed to be patentable for at least the reasons given above. Furthermore, one or more of these claims recite additional patentable subject matter in their own right.

In view of the foregoing, Applicants believe that pending claims 23-42 are in condition for allowance, and respectfully request withdrawal of the §101 and §102 rejections.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David E. Shifren", written over the typed name.

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